January 22, 2018

Sent via email to:blm_ut_lease_sales@blm.gov

Brandon Jolley
BLM Color Country District Office
176 E. DL Sargent Drive
Cedar City, UT 84721

**RE: Comments on the Color Country BLM Competitive June 2018 Oil and Gas Lease Sale**
**Parcels of Concern: UT-001, 002, and 003**

Dear Mr. Jolley,

Please accept the following comments on the BLM Color Country District Office's June 2018 Proposed Lease Sale. We have concerns with three of the four parcels offered and analyzed in the Proposed Environmental Assessment (EA) for the Richfield BLM Field Office.

Trout Unlimited (TU) has more than 300,000 members and supporters nationwide and approximately 1,800 members associated with eight chapters throughout Utah including chapters in the areas these parcels are located. Our mission is to protect and restore coldwater fisheries and their habitats in Utah and across the West. Consistent with that mission, it is TU's policy to encourage energy development in a way that meets the needs of people while eliminating, minimizing, or mitigating the impacts to coldwater fisheries and their watersheds. Our members enjoy fishing and hunting on these lands in addition to working on restoration projects to maintain and improve fisheries habitat. On behalf of our members, we offer the following comments.

## Overall Concerns

The BLM has prepared an EA on behalf of the Color Country District Office for just three of the four parcels offered in this June 2018 sale. The fourth parcel (Parcel 004) is located in the Cedar City Field Office and instead of an EA, a Determination of NEPA Adequacy (DNA) was prepared referencing a very outdated Resource Management Plan (1986) for the Cedar City office.Though our comments are centered on the three identified parcels above, we have several concerns regarding the overall effectiveness of the resource analysis conducted for these lease parcels.

1. Under the BLM's Instruction Memorandum 2010-117 for Oil and Gas Leasing Policy[1], the BLM is instructed to ensure that lease stipulations are written for consistency within each state office for the protection of similar resources or resource settings; in the case of this lease sale, this edge-matching would pertain to this District Office.The stipulation for Parcel 004, located in the Cedar City Field Office, includes a 500-foot NSO buffer, as described below:

   *No surface use or otherwise disruptive activity allowed within 500 feet of live water or the reservoirs located in the Beaver, Milford and Sevier River drainages, Parowan and Cedar Valley drainages, or Pinto Creek/Newcastle Reservoir drainage in order to prevent water quality degradation in accordance with section 6 of the lease terms and 43CFR3101.1-2.*

   We request the BLM to make sure all four parcels are consistent in their lease stipulation adequacy throughout the District. We believe this will help with respect to offering stronger protections for important watersheds and drainages. Lease Parcels 001-003 do not contain any watershed, aquatic or wetland analysis or stipulation measures that address these factors and we recommend the BLM be more consistent in assigning stipulation measures within the District.

2. The EA does not reference the State of Utah's required and WO approved lease stipulation adequacy report, discussed in the 2010-117 IM. We request the BLM provide this reference and use in the EA for this sale.

**Specific Concerns**

1. As occurred in the June 2017 Oil and Gas Lease Sale EA, once again the analysis fails to consider reviews of impacts to watersheds and associated fisheries. Many of the streams in the Parcels 001 and 002locationscontain coldwater fisheries and are very popular with recreationists. We request that the Final EA include a more thorough and necessary analysis on the streams, riparian, wetland and water quality issues.

2. This lease sale has parcels located within Colorado River cutthroat trout high value native habitat. Parcels 001 and 002are located within the Fremont River drainage (Figure 1) and expansion habitat is located less than a half-mile upstream from Parcel 001's boundary. Climate change, non-native species, energy development, and increasing municipal and agricultural demands for water are the greatest threats to remaining Colorado River cutthroat trout populations. We have strong concerns about the proximity of theseparcels tothe Fremont River and associated drainages located within the boundaries of these parcels and which flow into the Fremont River. As written, the EA does not offer any substantial protection measures on watersheds or fisheries.

[1]BLM Washington Office Instruction Memorandum No. 2010-117: Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews.

3. While we appreciatethat the EA discusses the NSO stipulation attached for the 644 acres in Parcel 001 for Greater Sage-Grouse habitat, we believe that further NSO stipulations, including a 500-foot buffer, be applied to address those drainages which drain into the Fremont River located in Parcel 001 (Figure 1). Further, we ask that this same 500-foot buffer be applied to any perennial water within Parcels 002 and 003. Such protection measures will protect the watershed from sedimentation and erosion issues when exploration and development activities occur on these parcels; in addition to any type of contaminants that may be flushed downstream. Furthermore, since this area contains a high density of roads crisscrossing the area, traffic levels can contribute to water pollution through sedimentation and dust. Setting up the area as a good example of responsible energy development begins with addressing the best methods for protecting this habitat at the leasing stage, through effective and robust stipulations.

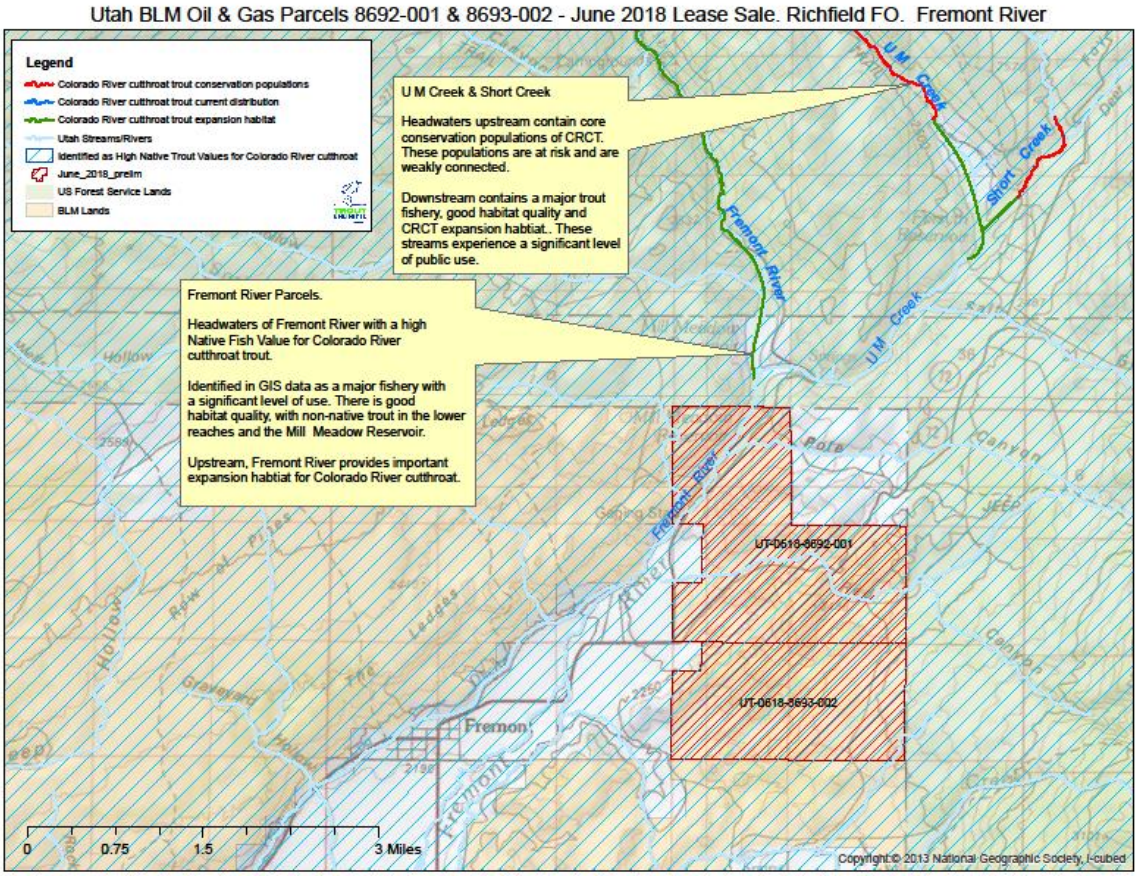


Figure 1. June 2018 parcel location within critical high value Colorado River cutthroat trout habitat.

4. The EA lacks internal scoping review of watersheds, water quality issues associated with oil and gas development activities, and sensitive fish species. The EA does not indicate that consultation with Fish Biologists occurred for this lease sale. In Utah, TU plays a critical role in watershed conservation, restoration, and rehabilitation on public lands, including BLM lands. Staff and chapter members actively participate in projects with the

BLM, communities and private landowners to maintain the important landscape vital to the social and economic community in areas across the state.

Trout Unlimited is working with partners in the Fremont River drainage and where these parcels are located to improve habitat conditions for Colorado River cutthroat trout. We haveconsiderable investment in time and expense in these stream corridors to prevent non-native fish from infiltrating into these conservation populations of cutthroat trout.Core conservations inhabit UM and Short Creeks and both are popular fisheries with anglers. Finally, the BLM is a co-signer to the Colorado River Cutthroat Trout Conservation Agreement and as a participant, commits to the protection measures outlined in this Agreement.[2]

5. Trout Unlimited considers 500-feet to be the minimum buffer that should be applied to surface disturbing activities associated with oil and gas development near coldwater fisheries. We encourage the BLM to apply stronger buffers than 500-feet and generally recommend a one-quarter mile buffer where sensitive native trout exist.

   Our interest in asking for stronger buffer stipulations stems from research which indicates the long-term effects oil and gas activities can have on a watershed. Recent studies have shown that streams located in or near areas with high densities of oil and gas development have "consistently low discharge, extreme temperature fluctuations, elevated dissolved and suspended constituents" when compared to streams in undeveloped areas.In Wyoming, a study on the eastern flank of the Bridger-Teton National Forest in the Wyoming Range revealed significant persistent impacts on Colorado River cutthroat trout populations.[3]These studies illustrate the lingering effects oil and gas development can have on cutthroat trout waters. Impacts from oil and gas development to native cutthroat streams in the Wyoming Range established a direct connectivity between poor water quality, location of wells, and low populations of Colorado River cutthroat trout. Streams in the disturbed area of Dry Piney Creek, where well pad density was 3.4 wells per square mile and where an oil spill had occurred in 2012 (affecting fish populations), showed poor habitat conditions, decreased willow cover, increased stream incision and greater prevalence of bare dirt. Additionally, the macroinvertebrate populations, so important to trout survival, were low, leading to the disappearance of native trout along Dry Piney Creek.

   Other lingering impacts to watersheds from oil and gas activities also are referenced in Wyoming. We are referencing Wyoming due to its high level of oil and gas activities over the years, its history of studies being deployed to combat the impacts, and its similarities to Utah in its open landscapes and ruralpopulations. The Wyoming Department of Environmental Quality described concerns in its 2016 ***303Report***, where oil seeps and

[2]Hirsch, C.L., M.R. Dare, and S.E. Albeke. 2013. Range-wide status of Colorado River cutthroat trout (*Oncorhynchusclarkiipleuriticus*): 2010. Colorado River Cutthroat Trout Conservation Team Report. Colorado Parks and Wildlife, Fort Collins.

[3]Girard, Carlin E. 2015. The Effects of Oil and Natural Gas Development on Water Quality, Aquatic Habitat, and Native Fish in Streams along the Wyoming Range: A thesis submitted to the University of Wyoming. Zoology and Physiology. Laramie. August 2015.

physical degradation are affecting the headwaters of LaBarge Creek, Dry Piney Creek and South Piney Creek drainages within the Upper Green River Sub-basin.[4] Oil and gas wells and gas processing facilities are located within this Sub-basin and these creeks were all at one timeimportant Colorado River cutthroat trout habitat. Dry Piney Creek no longer contains these cutthroat populations and LaBarge Creek and South Piney Creek only contain cutthroat populations in their upper headwaters.

Finally, there are floodplains and riparian corridors within these parcel locations, something the EA fails to analyze under Environmental Impacts.It is briefly mentioned in Appendix D but the EA analysis text should include such discussion. Mill Meadow Reservoir, located within Parcel 001, contains intact riparian corridors as mentioned but not analyzed under Environmental Impacts.Also, floodplains and riparian areas exist along the Fremont River and Red Canyon Creek in Parcel 001 and in Brine Creek in Parcel 003, noted in Appendix D but not analyzed in the EA itself.

6. Colorado River cutthroat trout are identified in the Utah BLM Sensitive Species List (November 2017).[5] Our GIS data (demonstrated in Figure 1) shows that Parcels 001 and 002 are located within high value Colorado River cutthroat trout habitat. Yet, Table 3-4 in the EA does not include cutthroat trout habitat. We ask that the BLM update the EA and their database to better reflect the current habitat status and expand UT-LN-49 Lease Noticefor Parcel 001 to include sensitive fish habitat.

7. Although TU's main focus is on coldwater fisheries, our members also hunt on public lands and enjoy the backcountry landscape provided in Utah. Parcels 001, 002 and 003 are located in crucial big game habitat yet the EA provides no analysis on this, other than to mention it exists in the Appendix D table with a UT-S-233 TL stipulation of Dec 15-April 15 for winter habitat protection.

   While we respect that this stipulation was applied, studies are now demonstrating that timing limitations do nothing to protect big game populations or habitat areas. Stipulations will not improve the likelihood of protection. Most stipulations are only good for the exploration period and not the development period, which can last up to 40 years.Numerous studies conducted in the last ten years across the West have demonstrated the impacts to a sporting and tourism heritage from associated oil and gas activities. Such impacts include altered or discontinued migration patterns of big game species, loss of clear and clean waters for wildlife (in addition to trout), loss of critical wildlife habitat and consequential decreased wildlife populations.

   In Wyoming, recent mule deer studies indicate long term impacts from oil and gas development within the Pinedale BLM landscape showing profound effects on mule deer

[4] Wyoming Department Environmental Quality. 2016. "Wyoming's' 2014 Integrated 305(b) and 303(d) Report." February 25, 2016. Prepared by Wyoming Department Environmental Quality, Water Quality Division, Cheyenne, Wyoming. Document #16-0126.

[5] State of Utah Department of Natural Resources, Division of Wildlife Resources. November 1, 2017. Accessed website January 18, 2018. https://dwrcdc.nr.utah.gov/ucdc/viewreports/SS_List.pdf.

populations and harvest objectives.[6]Within the Pinedale Anticline, mule deer herd abundance declined by 36 percent during the development period despite aggressive onsite mitigation efforts and consequently resulted in a 45 percent reduction in mule deer harvest.

We request that the BLM consider better management measures that will protect critical habitat from being destroyed and thus potentially affecting its ecologically and economically important big game herds. Consequences from lack of forward planning to protect economic values associated with fish and wildlife candirectly affect the economic bottom line and sustainability of angling and hunting outfitters and guides, tourism activities and related businesses, livestock operations, recreational businesses, and Utah Division of Wildlife Resources, who depend on the sale of licenses to make up part of their budget.

**Summary**

We appreciate that the BLM has applied those stipulations and lease notices identified in Appendix A. However, our larger concern is that proper and effective environmental analysis was not included in this EA and instead, the EA contained older and dated references from previously dated documents. New studies are available and they offer significant information for helping agencies work around the impacts of oil and gas development. We respectfully request that the BLM consider what we have offered in this set of comments.

Thank you for this opportunity to comment. We continue to participate in the public planning and leasing process offered by the BLM s we find it a valuable process. Should you have any questions, please feel free to reach out to either of us.

Sincerely,

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[6]Sawyer, Hall, Korfanta, N., Nielson, R., Monteith, K. and Strickland, D. 2017. Mule deer and energy development—Long-term trends of habituation and abundance. Glob. Change Biol. 2017;00:1-9. https://doi.org/10.1111/gcb.13711.